

EXHIBIT A

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
182	Important Recall Notice, dated April 23, 2018	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Hearsay (801/802), Subsequent remedial measure (407)	<p>Recall notice about a different <i>aluminum</i> tank product line which occurred <i>after</i> the Plaintiffs' incident. A post-remedial measure about a different product line is not admissible in this case. The MVE 808 is a stainless steel tank and it has not been recalled.</p> <p>This document does not satisfy the "substantial similarity" test, and is otherwise confusing and irrelevant.</p> <p>A recall is an inadmissible subsequent remedial measure, <i>see</i> FRE 407.</p>
191	Chart Global Case #114760	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Product service document with hearsay summary of information provided from a customer named "Billy Collins" from Cryo Associates in 2014. This is double hearsay because Cryo Associates is a distributor and the actual user in the field is not identified. No information about why product allegedly failed. No root cause information. Unclear what product or model is at issue.</p> <p>This document does not satisfy the "substantial similarity" test, and is otherwise confusing and irrelevant.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
193	Chart Email Chain - RE: LN2 Product Life Expectancy and Maintenance Service Bulletin	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	Post-incident email of April 4, 2018 regarding life expectancy of various products. Confusing and irrelevant to any issue in this case. FRE 407 is also an issue given that these discussions occurred post-incident.
195	Chart Email Chain - RE: Frequency of needing to restore factory defaults with new Tec 3000s MVE-205 CAB2115380610	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Hearsay email chain between March 27 and April 5, 2018 between a customer CryoLife (distributor) personnel and Chart regarding purported issues with a TEC 3000 controller on a different tank (the MVE-205 series tank).</p> <p>This is double hearsay because CryoLife is a distributor and the actual user in the field is not identified.</p> <p>A trouble shooting series of communications that do not provide a specific analysis or root cause of why the controller had an issue is not admissible. Further, the controller was replaced, which is an inadmissible post-remedial measure, <i>see</i> FRE 407.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
196	Chart Email - TEC 3000 SN=0 Issue	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	Emails regarding other TEC 3000 reports from the field about issues related to the controller resetting itself. No specific root cause determination was made; only potential causes identified, including by non-party Extron. The tank identified is also not an MVE 808. This email is does not satisfy the "substantial similarity" test, and is otherwise confusing and irrelevant.
197	CHART Email Chain - FW: Extron Controller Quality Information	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	Email chain about hearsay ("response from Extron") about TEC 3000 issues in the field and controllers resetting. No root cause is identified; other causes are discussed including "voltage" and power "surge" issues. More testing is recommended. These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.
198	Chart Email Chain: RE: Returned TEC3000	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	Email chain from August 18, 2017 and April 28, 2018 regarding reported issues with the TEC 3000 controller from the field that customers complained of controllers resetting themselves and potential causes. No root cause analysis is identified from Extron (no "response" from Extron).

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			<p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p> <p>Discussion of warranties, which is an area that the Court previously excluded with respect to Tank 4.</p>
199	Chart Email Chain - RE: TEC 3000 Serial Numbers	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Emails in August 2017 between Chart personnel and Lakeland Engineering regarding resold TEC 3000 controllers with potential issues in the field as reported by customers. No root cause is identified. Potential causes include the assumption that "external electromagnetic noise" is an issue.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p> <p>Discussion of warranties, which is an area that the Court previously excluded with respect to Tank 4.</p>
200	Chart Email Chain - RE: CASE 346085	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2016 about customers with requests to replace controllers.</p> <p>The cause of controller issues is potentially "RF interference at the customers location"; other controllers returned for "various reasons" and "many" were not</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			<p>returned for further evaluation. Hearsay reports that some customers are "wary" of the TEC 3000.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
201	Chart Email Chain - FW: Trouble with MVE Freezers case 467279	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2017 about a complaint from a customer in the field on a TEC 3000 controller. Includes hearsay from the customer. No root cause analysis is provided. "[O]utside electrical interference" is a potential cause.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
202	Chart Global Case #599703	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Product service document with hearsay summary of information provided from a customer named "Praxair" in January 2018. This is double hearsay because Praxair is a distributor and the actual user in the field is not identified.</p> <p>No information about why product allegedly failed. No root cause information. Unclear what product or model is at issue.</p> <p>This document does not satisfy the "substantial similarity" test,</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			and are otherwise confusing and irrelevant.
203	Chart Global Case #467249	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Product service document with hearsay summary of information provided from a customer named Pat Coyle of "Labrepco" in January 2017. This is double hearsay because Labrepco is a distributor and the actual user in the field is not identified.</p> <p>Issue about "LVL" reported. No root cause information. Different tank model identified "MVE 816".</p> <p>This document does not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
204	Chart Email Chain - RE: Tech3000 at sheppard is not working again (Case #55862)	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Hearsay email chain from 2013 with a customer Praxair regarding reported issues in the field. This is double hearsay because Praxair (Ray Lazdins) is passing along what a customer named Eddie Yip of Progenics Cryobank told Praxair.</p> <p>No root cause analysis. No specific type of tank reported.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			This document does not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.
205	Chart Email Chain - RE: po#29102, viacord po# 5503890316 (Case#?)	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Hearsay email chain that originates from a "Dee Wright" from "Expect the Best" from April 2018 and May 2018 about providing a "revac" of an unidentified tank. This discussion is all post-March 2018.</p> <p>No specific type of tank reported. No root cause analysis for why a tank in the field may need a "revac."</p> <p>This document does not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
206	Chart Email Chain - RE: Sloan Dr. Klebanoff	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	Email chain from March 5, 2018 (post incident) that originates from a customer of Chart who states the end-user "[c]ustomer claims there was a significant temperature spike at some point over the last two weeks. There is also discussion by Chart employees that it "definitely appears the supply tank was empty, which cause the low level and high temp issue."

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			<p>No tank model or other root causes were identified.</p> <p>This email chain contains double hearsay and it does not satisfy the "substantial similarity" test, and is otherwise confusing and irrelevant.</p>
207	Chart Email Chain - RE: Brooks not filling	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Hearsay email chain from 2016 that originates from a "Chris Murray" of "Brooks Life Science Systems" to a "Kevin Maggott" of "Medimmune" and discusses issues from the field with a tank/controller.</p> <p>No root cause analysis is identified. Potential causes are discussed that are unrelated to any issue in this case.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
208	Chart Email Chain - RE: Ceva Biomune freezer picture & information (Case 336375)	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Hearsay email chain from 2016 that originates with a report from the field of an issue with a MVE 1839AF-GB tank. The tank was reported to have been moved with a "forklift" with LN2 inside and that the cause of the "vacuum failure" incident was this "transfer."</p> <p>These emails do not satisfy the "substantial similarity" test, and</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			are otherwise confusing and irrelevant.
209	Chart Email Chain - RE: TEC 3000 Controllers (Urgent)	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2015 about losing sales in Europe because of dislike by customers of the TEC 3000.</p> <p>No root cause analysis of the controller issues is identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
210	Chart Email Chain - RE: HEco series 1800-190 MVE tank - Problem (Condensation and ice formation) (Case 243565)	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Hearsay email chain in 2015 initiated by an end-user named "Kailas Tambekar" of Renerative Medical Services to a "Ravi" of "indusinst.net" in India, reporting an issue with an HEco1800-190 series tank that involves a purported the vacuum seal loss. This is double hearsay because of the multiple layers of communication removed from Chart.</p> <p>Long fill times are identified as "likely to be a supply tank or transfer hose issue," which is not the Plaintiffs' theory of the case here.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
211	Chart Email Chain - RE: TEC3000 Issue	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain in January 2018 about hearsay reports of "TEC3000" issues and complaints from the field.</p> <p>No root cause is identified. Discussion that the issues "seem to usually be a failed microprocessor" which is not a theory advanced by Plaintiffs via any expert opinion.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
212	Chart Email Chain - RE: TEC3000's from Praxair	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from June 2018 (post-incident) about the ongoing evaluation of the controller. The original email concerns an unidentified "customer" that "has been emailing" about the issue.</p> <p>No root cause analysis is identified: "We can't say for sure why these are having issues at this site as there can be multitude of reasons this happens."</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p> <p>To the extent that there is remedial action at issue, it is post-incident, <i>see</i> FRE 407.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
213	Chart Email Chain - RE: LN2 Tank Reset Issue? (Case 321513)	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Hearsay email chain starting in 2015 from a user in the field named Evan Hagen of Cook Regentec to Praxair. These emails are double hearsay.</p> <p>No root cause is identified. Discussions of "power surges at the facility" are discussed. Other possible causes were identified as "noisy power", "[r]adio interference" and "incorrectly wired remote alarm systems".</p> <p>Discussion of warranty issues about the controller, which the Court has previously excluded with respect to the warranty on the tank.</p>
215	Chart Email Chain - RE: TEC3000 Level "0" SN "0" (Critical Issue is Increasing Globally)	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email from 2016 regarding communications with customers related to service bulletin and controller power supply replacement for issues based on Extron's hearsay comments.</p> <p>This email does not satisfy the "substantial similarity" test, and is otherwise confusing and irrelevant.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
216	Chart Email Chain - RE: TEC3000 Level "0" SN "0" (Critical Issue is Increasing Globally)	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2015 of communications between Extron and Chart regarding TEC3000 controller issues and controllers resetting.</p> <p>While Extron identified some potential issues and causes of certain controller malfunctions, such as "faulty pressure transducer and one had loose or missing hardware" (neither theory advanced by any expert for Plaintiffs), it also stated that the list of controllers had a "mix of issues" and "would guess not all related (especially ones with physical damage)." Also, no tank models are identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
217	Chart Email Chain - RE: TEC3000 Level "0" SN "0" (Critical Issue is Increasing Globally)	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2015 of communications between Extron and Chart regarding unidentified customer's controller issues and controllers resetting.</p> <p>Extron stated "If we had a solution we would certainly share it."</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
218	Chart Email Chain - FW: Trouble with MVE Freezers case 467279	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2017 of hearsay communications between customers and Chart regarding end user customer's controller issues and controllers resetting at Cornell IVF Facility. No tank model or root cause is identified.</p> <p>Beyond containing hearsay, these emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
219	Chart Email Chain - RE: Trouble with MVE Freezers case 467249	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2017 of hearsay communications between Extron and Chart regarding unidentified customer's controller issues and controllers resetting, and other purported controller failures. No tank model or root cause identified.</p> <p>Beyond containing hearsay, these emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
220	Chart Email Chain - RE: Issues with 819 Controller at Kite Pharma in Santa Monica (CASE 500604)	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	Email chain from 2017 of hearsay communications between customer Airgas and Chart regarding end user "Kite Pharma's" controller issues and controllers resetting and other controller failures. No tank models or root cause identified.

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			Beyond containing double hearsay, these emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.
223	Chart Email Chain: RE: New Related Items Code Available	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2017 of communications regarding hearsay communications of unidentified customer with purported controller issues and controllers resetting. No tank models or root causes identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
224	Chart Email Chain - RE: MVE TEC 3000 Controller Testing	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2016 of hearsay communications between Extron and Chart regarding unidentified customer's controller issues in the field and controllers resetting and controllers returned for testing. No tank model or root cause identified.</p> <p>Extron requests information regarding part numbers and notes "there are several different variations of the TEC 3000, and I want to make sure I note the correct on the case."</p> <p>Beyond containing hearsay, these emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
225	Chart Email Chain - FW: RF ranges	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2017 of hearsay communications between customer Tech Air and Chart regarding controller issues in the field, and stating "RF signals" can affect the operation of the TEC 3000 (a theory not advanced by any expert for Plaintiffs). No tank model or root cause was identified.</p> <p>Beyond containing hearsay, these emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
226	Chart Email Chain - FW: TEC 3000 SN 301535	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2016 of communications regarding hearsay customer controller issues and controllers resetting. An "1842" (not MVE 808) freezer model was identified as the product at issue, and no root causes identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
227	Chart Email Chain - RE: TEC 3000	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2016 of communications regarding hearsay customer controller issues, complaints, and returns. No tank models or root causes identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			are otherwise confusing and irrelevant.
228	Chart Email Chain - TEC 3000 Testing	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2016 of communications regarding hearsay customer controller issues and controllers resetting. No tank models or root causes identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
229	Chart Email Chain - TEC 3000 SN=0 Issue	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email from 2016 regarding various hearsay customer controller issues and controllers resetting. Testing on HECO model tanks identified.</p> <p>Chart identifies certain test results showing "unshielded and ungrounded temp probes are allowing voltage spikes to affect the controller." There is further discussion about Chart customer Praxair's end-user customer's controllers failing and that "[w]e don't know exactly what's causing the issue in their case as Extron nor Chart can recreate the problem on any returned controllers."</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
231	Chart Email Chain - TEC 3000 SN Disappearing	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email from 2015 regarding process for when Chart receives returned controller with serial number missing. No tank models or root causes identified.</p> <p>This email does not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
232	Chart Email Chain - RE: CryoBio Repairs	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2015 of communications with customer CAIRE, Inc. regarding controller testing and repairs, and controller repairs of CryoBio. No tank models or root causes identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
233	Chart Email Chain - RE: SN going to Zero	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email from 2016 regarding process for when Chart receives returned controller with serial number missing. No tank models or root causes identified.</p> <p>This email does not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
234	Chart Email Chain - RE: 1536P, S/N - CVCU06J102	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	Email chain from 2015 of containing double hearsay related to troubleshooting communications about end-user customer controller issue on

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			<p>Model 1530 tank in Australia. No root causes identified.</p> <p>Chart employee states "I suppose the vacuum being bad could cause this but the customer would see other symptoms if this was the case, such as excessive front (when not filling), frequent fills, and frost and condensation on the loser exterior fo the freezer (not near the lid)."</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
237	Chart Email Chain - RE: CryoSystem 6000 FA Troubleshooting	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from November 2018 (post incident) of communications regarding hearsay customer issues with CryoSystem 6000 (mode CS6KFA) and troubleshooting efforts. No root causes identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
238	Chart Email Chain - RE: CryoSystem 6000 FA Troubleshooting	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from November 2018 of troubleshooting communications regarding hearsay customer issues with CryoSystem 6000 (mode CS6KFA). No root causes identified.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.
239	Chart Email Chain - RE: Issue with TEC3000 controller and the solution we developed	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2016 originating from third party regarding troubleshooting and testing TEC 3000 controllers. The third party hearsay statements identified "Radio Frequency interference and Fast Transient" as repeatedly causing the controller to malfunction. This theory is not identified by any expert for Plaintiffs.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
241	Chart Memo - Cook Regentech Visit	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Memorandum regarding findings after 2016 Cook Regentech visit to view TEC 3000 controller malfunction. The memorandum identified firmware issues and electromagnetic interference as issues with resolutions. The memo also stated the "unintended reset issue is still unclear as it could be caused by any interference or fluctuations entering through any of the controller cables."</p> <p>This memo does not satisfy the "substantial similarity" test, and is otherwise confusing and irrelevant.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
242	Chart Email Chain - RE: TEC3000 Malfunction (Case 378467)	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2016 of communications originating from customer Gershon Peleg at "Maxima." The complaints about the controller display malfunction are hearsay. No tank model or root cause were identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
245	BioMed Top Supplier Defects for 2017	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Spreadsheet identifying and listing issues with various products or components from various suppliers in 2017.</p> <p>This spreadsheet does not satisfy the "substantial similarity" test, and is otherwise confusing and irrelevant.</p>
248	Chart Email Chain - FW: RE:MVE 3; serial No CAB2111170013 Liquid Nitrogen vessel; 2015/004/024/401/002	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	Email chain from 2015 regarding communications about issues with TEC 3000 on MVE 1426 series tank. The statements regarding the issues appear to be double hearsay, originating from an unidentified customer in the

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			<p>field. No root cause was identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
249	CRYO-PMS-001 CryoBio PMS Meeting Minutes 09.24.2019 Rev A	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>September 2018 meeting minutes regarding TEC 3000 issues from September 2017 to February 2018.</p> <p>No root causes identified.</p> <p>These meeting minutes do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p> <p>FRE 407 is also an issue given that these discussions occurred post-incident.</p>
251	Chart Email Chain - Re: Requesting an RMA to return 3 TEC3000 Controllers for Analysis to determine fail reason	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from February 2018 of communications from customer Praxair regarding hearsay statements from Praxair end-user customer that three controllers were failing.</p> <p>Tank model at issue is unclear and no root causes identified.</p> <p>Discussion of warranty issues about the controller, which the Court has previously excluded with respect to the warranty on the tank.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			<p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
252	Chart Email Chain - RE: TEC 3000 Issues	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from January 2018 of communications from customer "Rain" regarding controller issue on HECO 819P series tank in China. The communication regarding the issues may be double hearsay as the end-user is unclear. No root causes of any issues were identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
253	Chart Email Chain - RE: RE:MVE 3; serial No CAB2111170013 Liquid Nitrogen vessel; 2015/004/024/401/002	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Extended and unredacted email chain regarding same incident as Trial Exhibit 248</p> <p>Originated from Gerhard Fromel, "European Regulatory Expert."</p> <p>The emails also contain numerous hearsay statements.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
254	Monthly report Cryo 03_2018	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>March 2018 sales memorandum addressing Europe, Middle East, and Asia sales. Discusses "concern" of TEC 3000 issue and lack of reliability.</p> <p>This memorandum does not satisfy the "substantial similarity" test, and is otherwise confusing and irrelevant.</p>
255	Chart Email Chain - RE: FREEZER REPLACEMENT APPROVAL - HECO819P	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from March to July 2018 (post incident) between customer "Powerten" and Chart regarding customer issues of potential vacuum failure on HECO 819p freezer shipped in April 2018, and controller calibration issues.</p> <p>Chart employees guess the tank has a vacuum failure, and discuss replacement of tank under warranty. No root causes were identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
256	Chart Email Chain - RE: CryoSystem 6000AF issue	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from July 2018 (post incident) regarding reports from a customer from China reporting controller issues with CryoSystem 6000AF. No root cause identified.</p> <p>These emails are hearsay (potentially double hearsay) and</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			they do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.
257	Chart Email Chain - Re: INSCEPTION - CRITICAL ISSUE - 4 NEW tanks with level control issues - please advise asap - TANK 31 - a good tank just for comparison	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from March 2018 to June 2018 of hearsay communications between customer Praxair and Chart regarding troubleshooting end-user's tank issues and potential controller issues.</p> <p>The email contains double hearsay as Praxair identified issues as described to it by end-user "Mike." No root cause was identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
258	Chart Email Chain - RE: Trouble with MVE Freezers case 467249	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from March 2017 to June 2018 of hearsay communications between customer LABRepCo, LLC and Chart regarding troubleshooting end-user customer's purported tank issues and potential controller issues. No root was cause identified.</p> <p>The emails contain multiple levels of hearsay from distributor LABRepCo regarding issues with its customer's tanks.</p> <p>Further, these emails do not satisfy the "substantial</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			similarity" test, and are otherwise confusing and irrelevant.
259	Chart Email Chain - RE: Checking the status of Case # 617427	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from May to September 2018 between unidentified distributor and Chart regarding distributor's end-user customer's hearsay complaint about controller failing in the field, and customer discontent. No root cause was identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
260	Chart Email Chain - Re: TWH Issue	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from November 2018 with hearsay communications between customer Core Cryo Lab and Chart regarding 2014 1536PD tank vacuum failure. No root cause was identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
263	Chart Email Chain - RE: Info for Ft. Sam Houston BAMC LN2 freezers S/N's: CAB21115320721 & CAB2115320720 (CASE 617050)	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from February to March 2018 with hearsay communications between unidentified customer and Chart regarding HECO series tank vacuum failure. No root cause was identified.</p> <p>Includes discussions of warranty issues about the tank, which the Court has previously excluded.</p> <p>Further, these emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
264	Chart Email Chain - RE: Vacuum's problem	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from March 14, 2018 with hearsay communications regarding customer in Thailand's purported issue with elevated evaporation rate and potential vacuum failure. No root cause analysis identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
265	Chart Email Chain - RE: TEC 3000 RMAs/Complaints	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	Email chain from October 2018 discussing all complaint information for TEC 3000 from 2016, 2017, and 2018. No discussion or analysis or root causes or issues.

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			<p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p> <p>FRE 407 is also an issue given that these discussions occurred post-incident.</p>
266	Chart Email Chain - RE: TEC3000 controller (Case 461412)	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2017 with hearsay communications between customer "Thermo Fisher Scientific" and Chart regarding controller resetting issues on CS6000FA system and 1500 series freezer. Troubleshooting discussed, and no root cause identified.</p> <p>Discussion of warranty issues about the controller, which the Court has previously excluded with respect to the warranty on the tank.</p> <p>Further, these emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
267	Chart Email Chain - FW: Tank losing vacuum	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email from April 2018 from customer regarding hearsay complaint of HECO series tank vacuum failure. No root cause analysis discussed.</p> <p>These emails do not satisfy the "substantial similarity" test, and</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			are otherwise confusing and irrelevant.
268	Case Entry - Manage Case, Case #114760	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Product service document with hearsay summary of information provided from a customer named "Billy Collins" from Cryo Associates in 2014. This is double hearsay because Cryo Associates is a distributor and the actual user in the field is not identified. No information about why product allegedly failed. No root cause information. Unclear what product or model is at issue.</p> <p>This document does not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
274	Chart Email Chain - FW: Warranty - CAB2119200026	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Excluded Trial Exhibit as set forth in Court's April 30, 2021 Order [ECF No. 777].</p> <p>Email chain from 2020 with hearsay communications between customer and Chart regarding model 205 tank vacuum failure and implosion in field at end-user facility. Possible causes discussed by customer but no root cause identified.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			<p>Discussion of tank warranty issue, which the Court has previously excluded.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
275	Chart Email Chain - FW: Chart Tank Evaluation: nexAir - 1426F-CDC Freezer - Case 829912 - RMA 283851	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2019 and 2020 with hearsay communications between customer and Chart regarding model 1426F tank vacuum failure and implosion in field at end user facility. Possible causes discussed by customer but no root cause identified.</p> <p>Discussion of tank warranty issue, which the Court has previously excluded.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
276	Chart Case file, Case #856244	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain discussing same "other occurrence" as that excluded in Trial Exhibit 274 as set forth in Court's April 30, 2021 Order [ECF No. 777].</p> <p>Email chain from 2020 with hearsay communications between customer and Chart regarding model 205 tank vacuum failure and implosion in field at end user facility. Possible</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			<p>causes discussed by customer but no root cause identified.</p> <p>Discussion of tank warranty issue, which the Court has previously excluded.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
279	Extron-Chart Meeting Notes	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Meeting minutes from March 30, 2018 regarding controller issues. Includes spreadsheet with documented issues and improvement.</p> <p>These meeting minutes do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p> <p>FRE 407 is also an issue given that these discussions occurred post-incident.</p>
280	Extron Email Chain - FW: case 228255 TEC3000 Progressive Failures	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2015 with communications from Extron regarding controller issues and controllers sent in by customer for testing or repair. No root cause was identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
282	Extron Email Chain - FW: Trouble with MVE Freezers case 467249	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2017 with hearsay communications between customer LABRepCo and Chart regarding troubleshooting controller issues from unidentified end user customer tanks. No root cause was identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
283	Extron Email Chain - RE: TEC 3000 Controllers	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2015 with communications between Chart and Extron regarding controllers with issues reported from unidentified customers. These reported statements are hearsay. No tank model or root cause was identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
284	Chart Email Chain - RE: TEC 3000 Controllers (Urgent)	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Same email chain as Trial Exhibit 283, with extra email from Chart to Extron stating "[w]e just lost a large quantity of freezer sales in Europe because of TEC3000 issue; Chart hierarchy needs an answer urgently why this is occurring."</p> <p>Still, no root cause analysis or tank models identified.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
			These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.
285	Extron Email Chain - RE: CHART	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2017 between Extron personnel regarding TEC3000 controller issue and questions from Chart. Contains hearsay statement from Extron employee, Chad Hildebrandt, that "This is caused by lack of the diode suppressor on valve coil."</p> <p>Beyond being hearsay, these emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>
287	Extron Email Chain - FW: TEC3000 Level "0" SN "0" (Critical Issue is Increasing Globally)	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Email chain from 2015 with hearsay communications between Chart and Extron regarding controllers with issues received from unidentified customers. No tank model or root cause identified.</p> <p>These emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>

Trial Exhibit No.	Description	Objections Lodged in ECF No. 760	Chart's Statement on the inadmissibility of the Plaintiffs' "Other Occurrence" Exhibits
288	Extron email Chain - RE: MVE TEC 3000 Controller Testing	Not substantially similar (MIL 1, 403), Irrelevant (401/402), Confusion/Prejudicial (403), Other Acts (404), Hearsay (801/802)	<p>Addresses same correspondence and controller issue other occurrences identified in Trial Exhibit 224.</p> <p>Email chain from 2016 of hearsay communications between Extron and Chart regarding customer's controller issues in the field and controllers resetting and controllers returned for testing. No tank model or root cause identified.</p> <p>Extron requests information regarding part numbers and notes "there are several different variations of the TEC 3000, and I want to make sure I note the correct on the case."</p> <p>Beyond containing hearsay, these emails do not satisfy the "substantial similarity" test, and are otherwise confusing and irrelevant.</p>